

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 08-1739 CW

COMMONWEALTH ANNUITY AND LIFE
INSURANCE COMPANY, f/k/a ALLMERICA
FINANCIAL LIFE INSURANCE AND ANNUITY
CO.,

Plaintiff,

v.

JOHN DALESSIO; RITA DALESSIO; and the
DALESSIO FAMILY 2003 TRUST,

Defendants.

ORDER STRIKING
PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT
(Docket No. 40)

Plaintiff's motion for summary judgment is contrary to the
Court's order of April 29, 2009 and is therefore stricken.
Plaintiff must adhere to the briefing schedule contained in that
order.

IT IS SO ORDERED.

Dated: 5/1/09



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

COMMONWEALTH ANNUITY AND LIFE
INSURANCE COMPANY et al,

Case Number: CV08-01739 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

DALESSIO et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 1, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Dalessio
Rita Dalessio
16 Via Las Encinas
Carmel Valley, CA 93924

Dated: May 1, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California